

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

IN RE: SERZONE
PRODUCTS LIABILITY LITIGATION

MDL NO. 1477

THIS DOCUMENT RELATES TO ALL CASES

ORDER

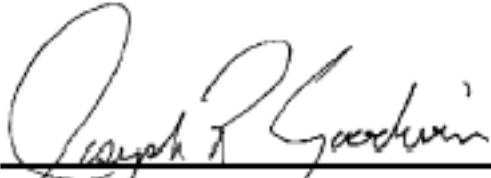
Pending is the parties' joint motion for court approval of a modification to the Amended Settlement Agreement. The motion seeks to extend the time frame provided to the defendant to make initial deposits to the claims fund to on or before January 14, 2005. The Amended Settlement Agreement at Section 3: Defendant's Payment Obligations sets forth thirty business days from the Preliminary Approval Date as the time frame in which the defendant must make the initial deposits. The court conditionally certified the settlement class and preliminarily approved the settlement agreement on November 18, 2004.

Counsel for the defendant indicate that funds for the deposits are available and committed and that the sole basis for the motion is to enable completion of the mechanics of the accounts and administrative process to insure maximum protection of the funds. The requested time extension is attributable principally to the various vacation schedules of the holiday period in late December, 2004 and early January, 2005. Liaison counsel for the defendant and lead counsel for the plaintiffs have agreed to this modification, which leaves all other dates and terms in the Amended Settlement Agreement the same.

For these reasons, the court **GRANTS** the joint motion to modify the Amended Settlement to extend the time frame provided to the defendant to make the initial deposits to the claims fund to on or before **January 14, 2005**. The court preliminarily approves the Amended Settlement Agreement with this modification, which leaves all other dates and terms in the Amended Settlement Agreement the same.

The court **DIRECTS** the Clerk to send a copy of this Order to Defendant's Liaison Counsel and Plaintiffs' Liaison Counsel.

ENTER: December 30, 2004



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE